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April 25, 2003

***Via Electronic Submission***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: *Ex Parte Communication***  
*CC Docket No. 01-92, DA 02-1740, DA 02-2436 and WT Docket No. 97-207*

Dear Ms. Dortch:

This letter serves as notification that on this date Luisa Lancetti, Charles McKee and Monica Barone (resenting Sprint Corporation), met with William Maher, Chief, Wireline Competition Bureau, and that Charles McKee and Monica Barone met separately with John Muleta, Chief, Wireless Telecommunications Bureau.

The purpose of the meetings was to discuss certain items pending before the Commission in CC Docket 01-92 governing intercarrier compensation and the exchange of wireless traffic. Sprint addressed recent developments surrounding its Petition for Declaratory Ruling on the Obligation of Incumbent LECs to Load Numbering Resources, DA 02-1740 and T-Mobile's Petition for Declaratory Ruling regarding the Lawfulness of Incumbent Local Exchange Carrier Wireless Termination Tariffs, DA 02-2436. Sprint also addressed remaining issues surrounding SBC's Application for Review of the joint letter issued by the Chiefs of the Common Carrier Bureau and the Wireless Telecommunications Bureau in WT Docket No. 97-207. A copy of the presentation material discussed at the meetings is attached hereto.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed with your office. Please associate this letter with the file in the above referenced proceeding.

Respectfully submitted,



Luisa L. Lancetti

Attachment

cc: John Muleta  
William Maher

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**SPRINT PETITION FOR DECLARATORY RULING  
WIRELESS RATING AND ROUTING  
&  
T-MOBILE PETITION FOR DECLARATORY RULING  
LAWFULNESS OF ILEC TERMINATING TARIFFS**

**CC-01-92**

**EX PARTE PRESENTATION**

**April 25, 2003**

***Sprint***<sup>®</sup>

***Sprint's Petition for Declaratory Ruling  
is Limited in Scope but Is of Critical Importance  
to Ongoing Wireless Operations***

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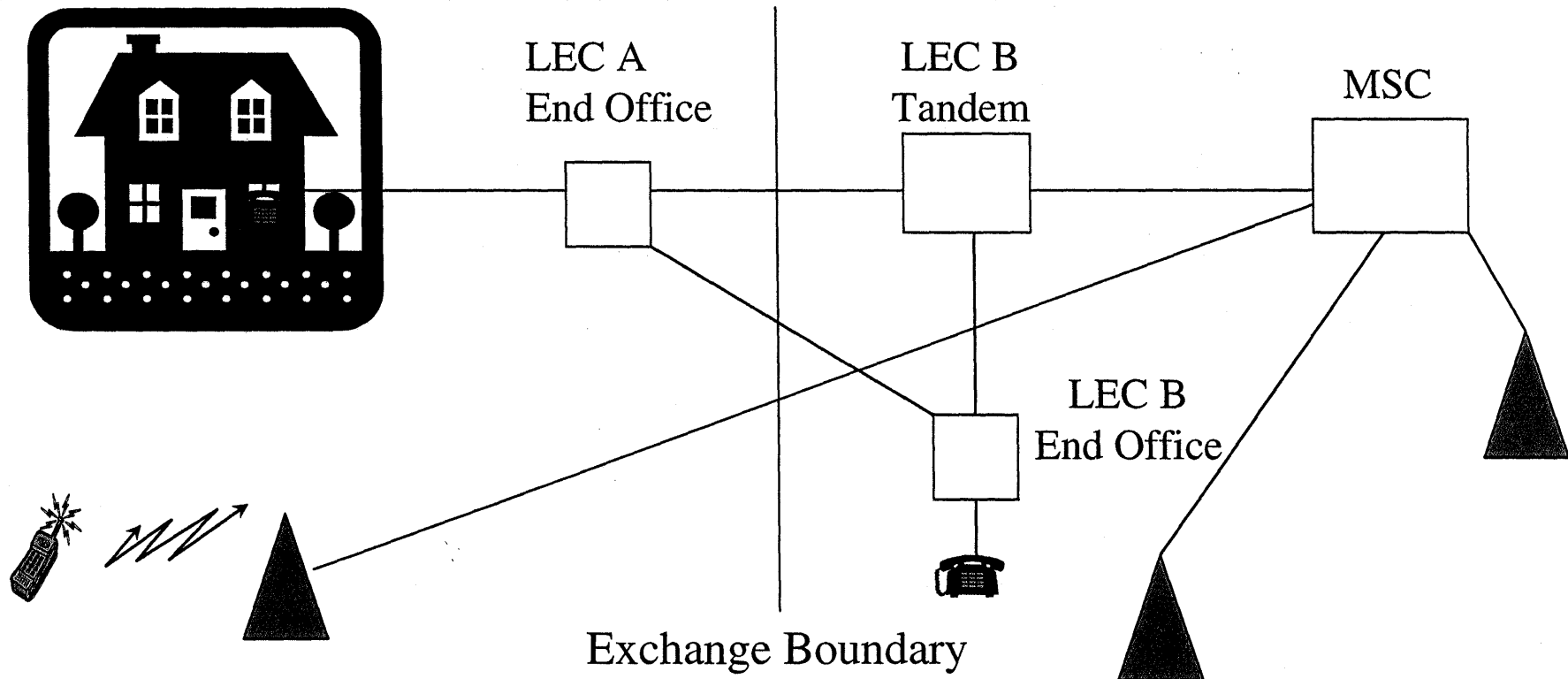
- Whether under current law:
  - Incumbent LECs may refuse to load numbering resources of an interconnecting carrier.
  - Incumbent LECs may refuse to honor rating and routing points designated by interconnecting carrier.

## *Wireless Service Has Been Directly Impacted and Rural Customers Have Been Denied Services*

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- The code which was the basis for this petition is still not recognized as a local number.
- Sprint is still unable to sell local service in these rural territories because of ILEC refusal to honor its rating designation.
- Wireless service and competition generally are being limited in rural areas.

# GENERIC RATING AND ROUTING



1. CMRS provider obtains from NANPA a NPA/NXX rated from end office A rate center to serve local customers calling from home to wireless phone.
2. CMRS provider builds towers to provide wireless service in community where customer lives and markets service in LEC End Office A service area.
3. CMRS customer orders service from CMRS provider and is given a PCS number rate centered the same as LEC A End Office.
4. LEC A landline customers can call their PCS phones on a local basis.

**Sprint**

*LECs Are Not Providing Service  
Outside of Their Local Calling Area*

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- Calls originate and terminate within the exchange boundary.
- Should not be treated as presubscribed interexchange service.
- FCC rules and orders establish that the jurisdictional nature of a call is based upon the originating and terminating points of that call.
- Making arrangements to exchange traffic with a carrier outside the local calling area is wholly consistent with existing practices.

*Establishing Different Rating and Routing Points Does  
Not Cause Incumbent LECs Economic Harm*

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- Because these calls are local, there is no toll revenue loss.
- CMRS carriers are willing to compensate LECs for the cost of terminating wireless-originated traffic.
- Wireless traffic has increased total traffic volumes and therefore generates additional revenue for ILECs.

## *Sprint's Petition Does Not Address Virtual NXX Codes*

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- The FCC has defined virtual NXX codes as those that correspond with a particular geographic area that are assigned to a customer in a different geographic area.
  - *See Developing a Unified Intercarrier Compensation Regime*, Docket No. 01-92, FCC 01-132, 16 FCC Rcd 9619, 9652, ¶ 115 (2001).
- Sprint's Petition addresses NXX codes assigned to customers within a particular geographic area being served within that geographic area.



***CMRS Providers Do Not Provide Virtual Service When They Assign Different Rating and Routing Points for NPA-NXXs***

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- NPA-NXX is associated with local calling area of incumbent LEC.
- CMRS facilities are located in local calling area of incumbent LEC.
- CMRS providers are serving customers in the incumbent LEC local calling areas.

## *T-Mobile's Petition Should be Granted*

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- Refusal of ILECs to negotiate indirect interconnection arrangements is inhibiting the entry of wireless competition in rural areas.
- Unilateral tariffs based upon access rates are both a violation of the Act and Commission rules.
- ILECs should not be permitted to mandate uneconomical direct connections.
- The Commission should reaffirm its MTA rules governing the exchange of traffic with wireless carriers.

## *The State Commissions Require FCC Guidance on these Issues*

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- State Commissions are being forced to address these issues across the United States.
- No fewer than 10 state proceedings are now ongoing and inconsistent results have already emerged.
- The FCC is the only regulatory body with the jurisdictional authority and obligation to establish a uniform treatment of CMRS services.
- Without Commission action wireless entry into rural markets will continue to be inhibited.